

REMARKS

Claims 1-5 are now pending in the current Claims 1, 3 and 5 are independent claims.
application.

Claim Allowance

Applicants appreciate the Examiner's indication that claim 5 is allowed. Applicants understand this to mean that the Examiner was in error in indicating that claim 5 stands rejected under 35 U.S.C. 112. Reconsideration and allowance of claim 5 is respectfully requested.

Drawing Objections

The Examiner suggests that the Applicants include a uniform font for all drawings (see page 2 of the Office Action). Applicants are unsure where the Examiner is indicating that the font is inconsistent. Applicants respectfully request that the Examiner indicate where the drawings include an inconsistent font.

Specification Objections

The Examiner has suggested that page 10, line 1 be rewritten for clarification purposes. Applicants direct the Examiner to the replacement Abstract on Page 3 of this Amendment. Applicants respectfully submit that page 10, line 1 is now clear.

The Examiner further alleges that the phrase "dependent on a polarities" is unclear and suggests replacing with "dependent on the polarities." Applicants respectfully submit that the language suggested by the Examiner has been adopted with this Amendment.

The Examiner further suggests replacing the "UNKNOWN" application number with an actual US Patent Application number. Applicants direct the Examiner to amendments which include the application number.

35 U.S.C. § 112

Claims 1-5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner has stated that the claim language “substantially” is vague and indefinite.

With respect to independent claim 5, Applicants respectfully traverse this rejection since independent claim 5 does not include the claim language “substantially.”

Applicants have amended independent claims 1 and 3 to clarify “not substantially dependent on” with the claim language “not dependent only on”.

Applicants respectfully request that the Examiner withdraw this rejection.

35 U.S.C. § 102 Nguyen

Claims 1 and 2 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Nguyen. Applicants respectfully traverse this art grounds of rejection.

The Examiner alleges that “Nguyen discloses (Fig. 5) a method of estimating a signal to noise ratio (SINR)” (page 4 of the office action). Nguyen states that “Fig. 5 is a block diagram of an integrated carrier loop/symbol synchronizer using a digital Costas loop with matched arm filters shown in the blocked diagram of Fig. 4” (column 6, lines 50-54). Thus, Fig. 5 is entirely unrelated to SINR. The Examiner alleges that Nguyen discloses the limitations of claim 1 in column 9 lines 22-57. Nguyen discloses that “the inphase estimate of the symbol polarity from the hard limiter 49 is used as the feedback signal to control the timing output of the symbol

synchronizer 50” (column 9, lines 40-43). Thus, the estimate of the symbol polarity is used to control a timing output and is unrelated to any type of SINR generation.

Therefore, Nguyen does not disclose or suggest “generating an SINR estimate” as recited in independent claim 1.

As such, claim 2, dependent upon claim 1, is likewise allowable over Nguyen at least for the reasons given above with respect to independent claim 1.

Applicants respectfully request that Examiner withdraw this art grounds of rejection.

35 U.S.C. 102(b) Litton

Claim 3 stands rejected under 35 U.S.C. 102(b) as being anticipated by Litton. Applicants respectfully traverse this art grounds of rejection.

Litton alleges that “[i]t is believed that the ‘hard decision’ performed by SGN module 202 results in the loss of information, thereby reducing signal to noise ratio of the recovered L2 carrier from an optimal value” (Col. 11, lines 47-50). While Litton acknowledges a possible effect on SINR, Litton fails to disclose or suggest generating a SINR estimate.

Therefore, Litton cannot disclose or suggest “generating an SINR estimate” as recited in independent claim 3.

Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

35 U.S.C. 103 (a) Nguyen in view of Litton

Claim 4 stands rejected under 35 U.S.C. (a) as being unpatentable over Nguyen in view of Litton. Applicants respectfully traverse this art grounds of rejection.

Applicants direct the Examiner to above remarks on the deficiencies of Nguyen and Litton with respect to independent claim 1. Applicants respectfully submit that the combination of Nguyen and Litton cannot disclose or suggest “generating an SINR estimate” as recited in independent claim 1.

As such, claim 4, dependent upon independent claim 1, is likewise allowable over Nguyen and Litton at least for the reasons given above with respect to independent claim 1.

Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

Reconsideration and allowance of all pending claims is respectfully requested.

Conclusion

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703)668-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

By: 

Gary D. Yacura, Reg. No. 35,416
P.O. Box 8910
Reston, VA 20195
703) 668-8000

GDY/DAP/krf